



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/638,213	08/07/2003	Chris N. Contas	03-044-T	3317

31718 7590 09/21/2004

BELASCO, JACOBS & TOWNSLEY LLP
HOWARD HUGHES CENTER
6100 CENTER DRIVE
SUITE 630
LOS ANGELES, CA 90045

EXAMINER

FLANAGAN, BEVERLY MEINDL

ART UNIT	PAPER NUMBER
----------	--------------

3739

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/638,213

Applicant(s)

CONTEAS, CHRIS N.

Examiner

Beverly M. Flanagan

Art Unit

3739

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

BEVERLY M. FLANAGAN
PRIMARY EXAMINER

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/7/03.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed August 7, 2003 has been made of record and the references cited therein have been considered by the examiner.

Claim Objections

Claim 4 is objected to because of the following informalities: There should be a period at the end of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4-8, 10-14, 16-20 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Becker et al. (U.S. Patent No. 6,712,757) in view of Kadan (U.S. Patent No. 6,419,654).

In regard to claims 1, 4, 7, 10, 13 and 16, Becker et al. teach a sleeve 10 comprised of a cylinder 22 that received the outer tube of an endoscope 28 (see Figures 1 and 6). A docking member 24 including a cavity 50 to snugly receive the proximal end of the endoscope is mounted at the proximal end of cylinder 22 and has an internal means for communicating with the central bore in cylinder 22 (see Figure 1).

Art Unit: 3739

Docking member 24 also includes an annular groove 56 and an o-ring 59 for forming and air and water tight seal between the endoscope and the docking member 24 (see Figure 4). Becker et al. also teach fluid inlet port 12 and suction port 14 that are in communication with the central bore in cylinder 22 for irrigation and suction (see Figure 1). However, fluid inlet port 12 and suction port 14 are positioned on the cylinder 22, not the docking member 24. Kadan discloses a similar lavage system comprised of a handpiece 10 attached to a cannula 22 where handpiece 10 includes irrigation and suctioning channels 26 and 28 that are in communication with an internal means in handpiece 10 for providing irrigation and suction (see Figure 1). Kadan thus demonstrates that providing channels or ports for irrigation and suction on the proximal or handpiece portion of a lavage system is well known in the art. Accordingly, it would have been obvious for one of ordinary skill in the art at the time the invention was made to position the fluid inlet port 12 and suction port 14 of Becker et al. on the docking member 24, in the manner disclosed by Kadan.

In regard to claims 2, 8 and 14, Figure 7 of Becker et al. shows that, as broadly as claimed, the distal end of cylinder 22 is fenestrated. **In regard to claims 5, 6, 11, 12, 17 and 18**, Figure 1 of Becker et al. shows that docking member 24 comprised a hollow center. Furthermore, the fluid inlet port 12 and suction port 14, as placed in the position contemplated by Becker et al. in view of Kadan (above), would comprised peripheral bores for allowing fluid and suction to access the internal means of docking member 24 and the interior channel of cylinder 22.

Art Unit: 3739

In regard to claims 19, 20 and 22, see the above rejections for claims 1, 2 and 4. **With further respect to claims 19 and 20 and in regard to claims 23 and 24**, see col. 6, lines 20-60 of Becker et al. Furthermore, inherent in the device disclosed by Becker et al. is the capability to perform method steps outlined in claims 19, 20, 23 and 24 of the instant invention.

Claims 3, 9, 15 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Becker et al. (U.S. Patent No. 6,712,757) in view of Kadan (U.S. Patent No. 6,419,654), as applied above, and further in view of Butler et al. (U.S. Patent Application Publication No. 2002/0147385).

In regard to claims 3, 9, 15 and 21, Becker et al. are silent as to pleats on cylinder 22. However, Butler discloses a similar colonic tube comprised of corrugations 5 on an overtube 1 for an endoscope so that the overtube 1 has lateral flexibility (see Figure 1 of Butler). Butler thus demonstrates that corrugations or pleats on a tube that is designed to enter the colon are well known in the art for easing insertion and providing flexibility. Accordingly, it would have been obvious for one of ordinary skill in the art at the time the invention was made to provide the cylinder 22 of Becker et al. with corrugations, in the manner disclosed by Butler, to aid in insertion and provide flexibility.

Art Unit: 3739

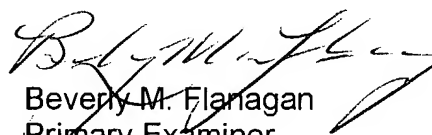
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant should note the following prior art reference disclosing an irrigation/suction sheath for an endoscope: Glowa et al., U.S. Patent No. 6,086,542.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beverly M. Flanagan whose telephone number is (703) 305-7202. The examiner can normally be reached on Mondays, Wednesdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M. Dvorak can be reached on (703) 308-0994. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Beverly M. Flanagan
Primary Examiner
Art Unit 3739